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**GUIDELINES USED BY THE BOARD OF APPEALS
TO DETERMINE WHETHER A VARIANCE SHOULD BE GRANTED**

Although the statutes contain a number of qualifying phrases, the main statutory test of whether a variance may be properly granted is whether an “unnecessary hardship exists”. The leading Wisconsin case on variances is SNYDER v WAUKESHA COUNTY (1976), 74 Wis. (2nd) 468, 247 NW (2nd) 468. In this case, the court set forth the following guidelines for granting variances:

- 1) An unnecessary hardship means that the property cannot yield a reasonable return when used for the permitted purposes or where no feasible use can be made of the land without a variance.
- 2) The changes in the character of the neighborhood that would be caused by the variance are important.
- 3) The hardship must be unique to the property in question and may not apply equally to similar lots.
- 4) The hardship must be unique to the lot, not personal to the owner of the lot.
- 5) A variance cannot be granted in the case of a self-created hardship.

IN ADDITION, the courts have made it clear that a variance CANNOT be granted in the following situations:

- 1) Where there is a self-created hardship, that is, where the application is due to a problem created by the owner/applicant.
- 2) Where there is a personal hardship, and the variance would continue to affect the character of the neighborhood after title to the property has passed.
- 3) Where there is an economic hardship, a purely financial hardship, for example, restriction of the property to a less profitable use.

IMPORTANT INFORMATION FOR APPLICANTS

The Village of Hobart Board of Appeals meets on “as needed basis” on the last Monday of each month at 5:30 P.M. at the Village Office. Due to statutory public notification requirements, the application deadline is approximately 20 days prior to a meeting. Please confirm the deadline with staff.

The following must be submitted in order for your application to be accepted:

- Complete the attached application form. Both the owner and applicant must sign the application form.
- Answer all questions on the application form.
- A site plan drawn to scale showing all structures, lot lines, streets and distances from the structures to the lot lines and street.
- Any other supporting documentation you feel is necessary or as may be required by staff.

It is recommended for the applicants and/or a representative for the applicant to attend the meeting to answer questions of the Board and present their variance request. If the applicant and/or representative fail to appear, the Board may choose to act on the item, or to postpone action until the next meeting. If for any reason the owner/applicant withdraws the application, it must be done so in writing. If the owner/applicant wishes to reapply they must file a new application form, site plan, supporting documentation, and filing fee. Filing fees are non-refundable.

If you have any questions about the variance application form, or the process of obtaining a variance, please contact the Director of Planning and Code Compliance at 920-869-3809.

YOUR APPLICATION IS DUE BY: _____

YOUR VARIANCE HEARING DATE: _____ **AT 5:30 P.M.**

2. Describe how the variance would not have an adverse effect on surrounding properties:

3. Describe the special conditions that apply to your lot or structure that do not apply to surrounding lots or structures:

4. Describe the hardship that would result if your variance were not granted:
